IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22845 of 2004

Between:

1 Jaggavarapu Sujatha, D/o.Sree Hari Reddy,
R/o.Errampalli Village, Chintalapudi (M),
West Godavari District.
2 Chintala Sreenivasa Reddy, S/o.Chinna Reddy,
R/o.Errampalli Village, Chintalapudi (M),
West Godavari District.
3 Jaggavarapu Nagamani, W/o.Sreenivasa Reddy,
R/o.Errampalli Village, Chintalapudi (M),
West Godavari District.
4 Saki Venkateswara Rao, S/o.Polaiah,
R/o.Errampalli Village, Chintalapudi (M),
West Godavari District.
5 Jaggavarapu Subba Reddy, S/o.Late Nagi Reddy,
R/o.Errampalli Village, Chintalapudi (M),
West Godavari District.

..... PETITIONERS

AND

1 The Eastern Power Distribution Corporation of APLTD.,

rep. by its Superintendent Engineer, (Operation),Eluru,
West Godavari District.
2 The Divisional Electrical Engineer, (Operation), Eluru, West

Godavari District.
3 The Asst. Divisional Engineer, (Operation),

Kamavarapukota, Kamavarapukota (M), West Godavari

Dist.

4 The Addl.Assistant Engineer, (Operation) A.P.Transco,

Chintalapudi, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ order or direction declaring the action of the respondents in not releasing the agricultural electrical service connections to the petitioners as per the sanction orders issued by the Respondents as illegal, arbitrary and unconstitutional and issue consequential direction to the Respondents to release the same forthwith.

Counsel for the Petitioners: MR.S.APPADHARA REDDY

Counsel for the Respondents: SMT.M.VINOBHA DEVI (SC for A.P.Transcro)

The Court, at the stage of admission, made the following:

ORDER:

The Petitioners are agriculturists from West Godavari District. They have applied for sanction of electric supply under the tatkal scheme, introduced by the respondents. The scheme contemplates supply of electricity through three phase, on turn basis, and the consumption charges are to be collected on the basis of readings in the meter. The petitioners were sanctioned power supply by the respondents herein, on being satisfied that they fulfill the necessary conditions. The petitioners also claim to have established the necessary infrastructure to avail the facility. They complain that though the sanction was accorded long back and the necessary infrastructure is provided, the respondents are not releasing the power supply.

Writ Petitions with similar allegations and contentions were filed before this Court on earlier occasion. Learned Standing counsel has placed before this Court the statistics as to the number of services to be provided in each district for agriculturists. It was evident that the quota in West Godavari District has not yet been exhausted.

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondents.

The petitioners had applied for sanction of electricity supply under tatkal scheme. On finding that they fulfilled the requisite conditions, the competent authority sanctioned the same. Acting upon the sanction letters, the petitioners have established the necessary infrastructure and paid the necessary amounts. It is not as if the scheme has since been revised. Even where the Government had changed its policy, it can only operate prospectively, and it does not have the effect of taking away the rights of the citizens in whose favour the sanction was already accorded. The petitioners claim that on account of the delay they are sustaining heavy losses and are unable to irrigate their crops.

Hence, the writ petition is disposed of directing the respondents to release the power supply, in accordance with the sanction orders passed in favour of the respective petitioners, within two weeks from the date of receipt of a copy of this order. If the petitioners are yet to comply with any conditions, the respondents shall intimate of the same, without any further delay.

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L.NARASIMHA REDDY, J

Dated : 10th December, 2004

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To

1 The Eastern Power Distribution Corporation of APLTD.,

rep. by its Superintendent Engineer, (Operation),Eluru,
West Godavari District.

2 The Divisional Electrical Engineer, (Operation), Eluru, West

Godavari District.

3 The Asst. Divisional Engineer, (Operation),

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